

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACOB BAILEY #930092,

Plaintiff,

Case No. 1:23-cv-57

v.

HONORABLE PAUL L. MALONEY

MICHIGAN DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Sabrina Davis and John Toogood filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on July 9, 2024, recommending that this Court grant the motion and enter judgment<sup>1</sup>. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 35) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 22) is GRANTED. Plaintiff's remaining Eighth Amendment claims are DISMISSED WITHOUT PREJUDICE.

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<sup>1</sup> A previous order issued by the court dismissed plaintiff's claims as to the other defendants named in the complaint (ECF No. 9).

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: August 12, 2024

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge